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MISCELLANY.

WYTHEVILLE TERM.—The business disposed of by the Court of Appeals during the term at Wytheville, commencing on June 6th and ending on June 28th, was as follows:

Whole number of cases, including three petitions for mandamus.....	44
Submitted	37
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POOR DEBTOR'S EXEMPTION—QUERY: WHAT CONSTITUTES A "BARREL OF CORN" UNDER SEC. 3650, VA. CODE 1904?—Under the "poor man's" exemption, sec. 3650, sub-sec. 6, a householder residing in this State is entitled to hold, exempt from levy or distress, "ten barrels of corn, or in lieu thereof, twenty-five bushels of rye or buckwheat." We are informed that in the eastern part of the state it is customary to call five bushels in ears a barrel of corn, but that in the western part three bushels in ears is regarded as a barrel of corn. Which of these does the law contemplate?

BAR EXAMINATION, WYTHEVILLE, VIRGINIA, JUNE 24, 1905.

1. Define law. Give the several kinds of law. Whence does the human law derive its authority, and what does it comprehend?

2. Define that branch of the human law which is the most important to the ordinary practitioner.

3. What are the signs whereby the will of the law-giver is manifested?

4. What are the objects of the common and statute law; and under what four general heads, omitting the consideration of crimes and punishments, may the whole subject be classified?

5. What are absolute rights? Give the several sorts of absolute rights.

6. When are rules held; how long continued; and what becomes of a case when there is no clerk to take a rule?

7. What is pleading and its object? What is a declaration in pleading, and what are its requisites? How many pleas may a defendant plead in any action? What defects can be availed of only by plea in abatement; and which issues are tried first, those on pleas in abatement, or those on other pleas?

8. What is the office of a demurrer? What practice does the Code authorize, when during the progress of a trial it appears that there is a variance between the allegation and the proof?

9. An execution was issued upon a judgment in contravention of an agreement between the parties. Subsequently a chancery suit was brought to enforce the judgment on which it issued. The judgment debtor set up

the plea of the statute of limitations to the judgment upon the ground that more than ten years had elapsed since its rendition, and that no valid execution had been issued thereon. Is an execution issued in contravention of the parties void or voidable? Could the defense set up be made under the plea in the chancery suit, and why?

10. What is an attachment? Give several grounds upon which an attachment may be sued out. What are the remedies by which rent may be collected?

11. A suit is pending to set aside a deed to a wife, on the ground that the consideration therefor moved from the husband, and that the deed was in fraud of his judgment creditors. A third person, not a party to the suit, files a petition asserting that the consideration for the deed to the wife was really furnished by him, under a contract by which he was to have a lien for his protection, and asking to be protected in his rights. This petition is met by a demurrer which brings in question the right of the party to come into the pending suit by petition. What disposition should be made of the demurrer, and why?

12. What legal relation does one sustain to A, who enters upon his estate while he is an infant and takes the profits thereof, and continues to take the profits thereof for several years after A has reached his majority?

13. How was a contingent remainder transferred at common law, and how is it transferred under the Virginia statute?

14. What is a holograph will? What are the statutory requirements for the execution of a will? What estate do A and B each take under the following will: "I give to A my estate real and personal for life, and at his death what may remain of the same I give to B." Give reasons for your view.

15. A makes a conveyance to B and his three children. What interest has B in the land? A devises a tract of land to his daughter for the support of herself and children. What interest have the children in the land?

16. A father wishing to make an advancement to each of three children of such sum as he thinks each will be entitled to in the distribution of his estate after death, enters into a contract in writing and under seal with them, by which he gives to each \$1,000, in consideration of their forever relinquishing all interest in and claim to any portion of the estate he then owns, or may thereafter acquire, and as to which he might die intestate. To a fourth child, the issue of a second marriage, he advanced \$1,000, but did not exact from him any relinquishment in the residue of his estate. After these advancements the father dies intestate, unmarried, and leaving an estate valued at \$10,000. The fourth child, the issue of the second marriage, files a bill claiming the whole estate. What are his rights?

17. A county treasurer makes a deed to indemnify and save harmless the sureties on his official bond. To whose benefit does this deed enure? What are the rights of the holder of a county warrant upon the treasurer

which has been duly registered? What is the limitation upon such a claim as to the treasurer and as to his sureties?

18. A conveys a tract of land to B, takes a deed of trust to secure the purchase money, which is evidenced by two negotiable notes at six and twelve months; both deeds are recorded. A transfers the negotiable notes to C for a valuable consideration, and afterwards and before the notes are due or paid, A marks the deed of trust satisfied, as provided by statute. B, after the deed of trust has been marked satisfied, conveys the land to D, a *bona fide* purchaser, without notice. Whose rights are superior, C, the holder of the negotiable notes, or D, the vendee of the land, and why?

19. From what time does a negotiable note, payable on demand, bear interest; when does the statute of limitations begin to run against it; and when must such a note be presented for payment, and protested, in order to bind the endorser?

20. When is a given sum agreed to be paid in case of the breach of a contract to be regarded as liquidated damages, and when as a penalty?

21. What is the measure of damages which may be recovered by the seller of personal property to be delivered at a future day when the purchaser refuses to receive it? And what is the measure of damages which the vendee of land may recover from his vendor when the land is lost by superior title?

22. A executes his two negotiable notes payable to B. One is based upon an usurious and the other upon a gambling consideration. Both notes, before maturity, pass into the hands of an innocent holder for value. Can A make defense to the notes, or either of them, and why?

23. Upon a failure of title to real estate, what are the several remedies of the purchaser? If the purchaser of real estate, the title to which he alleges to be defective, elects to affirm the contract and sue for damages, what must he aver and prove?

24. In what cases does the doctrine of survivorship still exist? When does a power of sale survive the donor of the power.

25. A laboring man, after he becomes insolvent, insures his life and pays the premiums on the policy in part out of the proceeds of property liable for his debts and in part out of his wages, which were \$45 per month. Have his creditors any interest in the proceeds of the policy after his death?

26. What is necessary to constitute a valid assignment in equity? A contractor gave an order on a building association in the following words: "Pay to Coleman & Sams \$500.00 and charge same to balance due me on A. M. E. Church." Notice of this order was given to the president and secretary of the association. Afterwards the association paid the money to the drawer of the order. Suppose the drawer of the order was insolvent, would the payees have any redress?

27. What is equity, and what are the essential differences between courts of law and courts of equity? Before allowing a petition for rehearing or a bill of review to be filed, on the ground of after-discovered evidence, of

what must the court be satisfied? State whether or not the remedy at law is adequate to enforce the provisions of a deed made in consideration of the support of the grantor, and why. What is a final decree?

28. In marriage articles, A covenanted to purchase land of the annual value of 200 pounds, and to settle it upon his wife for life, and then upon his first-born son in tail. He purchased lands of greater value, but made no settlement of them, and on his death they descended to his eldest son as heir at law. The son then brought suit against his father's representatives to compel other lands of the value of 200 pounds per annum to be settled upon him in pursuance of the covenant. What are the son's rights, and what maxim of equity controls in the determination of the question?

29. Give what you consider one of the most important of the maxims in equity jurisprudence; and state a case in which it would be applicable, and where the principle involved would control in determining the rights of the parties.

30. A files a bill in which he alleges that he is the owner of 200 acres of land with a good legal title thereto; that B is in possession of the land claiming title under an invalid deed. The prayer of the bill is, that the court establish A's superior title, oust B and place A in possession. C files a bill alleging that he has a judgment against D, which has been duly docketed; that D is the owner of a house and lot upon which the judgment constitutes a lien and asks for a decree to sell the house and lot for the satisfaction of the judgment. E files a bill alleging that he loaned F \$500 and that he holds his bond therefor; that F is the owner of real and personal property, and asking for a decree to sell the property or so much thereof as may be necessary to satisfy the bond. Are these bills, or either of them, demurrable? Give reasons for your view.

31. A, an infant, dies seized of lands and personal property, acquired by gift from his mother's father. He leaves surviving him his father, a full brother, and a half sister (the daughter of his mother). To whom does his estate descend and in what proportion?

32. The land of a married man was sold under decree of court to satisfy his debts. The wife was not a party to the suit and nothing was said about her dower rights at the sale. A commissioner was appointed by the court to make the purchaser a deed. The wife united in this deed with the commissioner. After the debts were paid, a surplus remaining, the court had the contingent dower rights of the wife ascertained and she and her husband united in a receipt for the amount. After the death of the husband the wife files her bill against the purchaser to secure her dower. What are the rights of the parties, and why?

33. What is a corporation? By whom are they created? Give the manner in which a charter may be obtained in Virginia. Who is the governing body in a private corporation? What is the extent of a stockholder's liability upon his stock subscription, and when does the statute of limitations begin to run against a stock subscription?

34. Two tramps, one for the purpose of begging, and the other to pur-

chase a ticket, enter a railway company's ticket and telegraph office, in which there are at the time the ticket agent, the conductor of a freight train awaiting orders, his engineman and the section master in charge of tracks at station, who had gone into the office to notify the railway company of a threatened slide. As the tramps go into the office, the locomotive of a passing train running at a greater rate of speed than the schedule permits, jumps the track, strikes the station and inflicts injuries upon all of its inmates and the man running the engine. The cause of the accident was a defect in the track known to the railway company and caused by the section master's negligence. What duty did the railway company owe to each of the persons injured, and which, if any of them, can recover damages for the injuries done him?

35. A master employs a servant for a term of three years; at the end of fifteen months he discharges the servant without just cause. What are the remedies of the servant, and what is he entitled to recover?

36. When are the declarations of an agent or servant admissible as evidence against his principal or master; and when is an agent's knowledge of facts notice to his principal?

37. What is crime, and upon what tribunals is conferred original criminal jurisdiction in Virginia, and of what grade of crime has each jurisdiction?

38. Into what grades are all crimes or offences divided, and what is the test by which it is determined whether an offence belongs to one grade or another?

39. How many kinds of homicide are there? Give an illustration of each.

40. By whom can the writ of *habeas corpus* be issued, when is it returnable, and for what purpose is it used?

The successful applicants were as follows:

Armistead, Frank, Williamsburg, Va.

Brown, H. Lewis, Arrington, Nelson county, Va.

Bledsoe, Thomas A., Lexington, Va.

Bernard, D. Meade, Petersburg, Va.

Burks, Martin P., Jr., Lexington, Va.

Brittingham, Smith R., Portsmouth, Va.

Crockett, A. Pendleton, Wytheville, Va.

Chermside, Herbert Brooke, Staunton, Va.

Chermside, Robert A., Staunton, Va.

Cutchins, John A., Richmond, Va.

Chitwood, Joseph H., Rocky Mount, Va.

Coppo, John B., University of Virginia.

Combs, F. H., Max, Va.

Downing, John H., Front Royal, Va.

DeHart, John T., Bristol, Va.

DeJarnette, Horatio E., Lewiston, Va.

Dunn, W. Gilmer, Charlottesville, Va.

Easley, John D., Lynchburg, Va.

English, Thos. R., Jr., Richmond, Va.

Fisher, Samuel P., Alexandria, Va.
 Funk, Neill Wilson, Louisville, Ky.
 Gregg, John W., Lincoln, Loudoun county, Va.
 Goolrick, Charles O'Connor, Fredericksburg, Va.
 Gwathmey, Frank W., Louisa, Va.
 Garland, P. W., Jr., Ivy, Albemarle county, Va.
 Gravatt, W. Moncure, Bowling Green, Va.
 Harnsberger, G. S., Harrisonburg, Va.
 Hitchler, W. H., Wilkesbarre, Pa.
 Hutton, A. P., Abingdon, Va.
 Kellam, Vernon Hope, Princess Anne C. H., Va.
 Kump, H. G., Romney, W. Va.
 Light, Alexander Heath, Bedford Springs, Va.
 Lewis, James T., Richmond, Va.
 McBride, M. D., Ellendale, Schriever, La.
 Nicol, A. B., Manasses, Va.
 Overbey, Randolph Irvine, Chatham, Va.
 Phillips, E. Raleigh, Richmond, Va.
 Phillips, P. J., Cumberland, Md.
 Powell, Thomas J., Hazleton, Pa.
 Pugh, John Howell, Donaldsonville, La.
 Price, R. Marshall, University of Virginia.
 Reid, Joseph H., Charlottesville, Va.
 Shields, E. S., Lexington, Va.
 Shepherd, S. M., Kent's Store, Va.
 Smith, P. B., Bealeton, Va.
 Stokes, Richard C., Covington, Va.
 Tucker, Grafton, Amherst, Va.
 Thraves, W. V., Amelia C. H., Va.
 Thomas, S. B., Locustdale, Va.
 Tyree, William R., Jr., Staunton, Va.
 Withers, Robert Walker, Lexington, Va.
 Walton, Judge V., Lexington, Va.
 Willcox, Dennis Hamilton, Petersburg, Va.
 Watters, Garrett, Norfolk, Va.
 Wilson, T. C., Brownsburg, Va.
 Whitley, G. F., Whitley, Va.
 Passed, 56; failed, 8.

Washington & Lee University had thirteen applicants, all of whom passed. We are not informed as to the record of other schools.

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